

REMARKS

The claims remaining in the application are 1-15

Rejection Under 35 U.S.C. § 102

The Office Action has rejected claims 1-3, 6, and 12 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,619,025 (Hickman et al.). This rejection is respectfully traversed.

It is clear from reading the Hickman et al. specification in its entirety, as well as the portions pointed out in the Office Action, that the invention described by Hickman et al. is for a verification means using time varying characteristics of the illumination and the response of the photorefractive crystals to the illumination. Thus, Hickman et al. requires a large number of snapshots of the time varying image. The Hickman et al. reference does not disclose “generating data relating to the taggant distribution coordinates.” In addition, the Hickman et al. does not require that the taggant are “invisible to an unaided human eye.”

The Office Action has rejected claims 7 and 10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,023,923 (Sanner et al.). This rejection is respectfully traversed.

The inventive feature of the Sanner et al. reference is for precisely locating a reference area on a document for authentication. The reference area may be located using a reference grid pattern to provide aperture location information. The area to be scanned includes “a mark (in the form of a position reference grid 13) and the aperture portion of the document which is to be used for authentication.” There is little information on how the document is authenticated other than specifying how to locate the portion of the document which is to be used for authentication. There is nothing in the Sanner et al. reference that relates to the claims of the present invention, which use a “taggant invisible to the naked eye mixed with a material” wherein “a part of the item (itself)” comprises the material. It is interesting that the Sanner et al. reference may detect fibers or imprinted material, but there is no indication of detecting invisible taggants as in the present invention and it’s claims.

The Office Action has rejected claims 9 and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0063744 (Stephens). This rejection is respectfully traversed.

The Stephens reference discloses a means for detecting “an invisible identification pattern such as a bar code” on a document. The bar code in Stephens is formed by a pattern of lines, and it is invisible, however, that is not the same as “taggant distribution” in the document. A distributed pattern of particles, i.e. taggants, as claimed in the present invention is different from the bar code pattern contemplated by Stephens. Thus, these claims are distinct from and patentable over the Stephens reference.

Rejection Under 35 U.S.C. § 103

The Office Action has rejected claims 4, 5, 8, 11, and 14 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,619,025 (Hickman et al.). This rejection is respectfully traversed.

The Office Action has rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,023,923 (Sanner et al.) as applied to claim 7 above, and further in view of U.S. Patent No. 5,619,025 (Hickman et al.). This rejection is respectfully traversed.

Hickman et al. has been distinguished from the claims of the present invention as discussed above. The present invention, as embodied in claim 8, discloses a way of authenticating an item by detecting taggant distribution. This has been discussed above. An innovative feature, however, in claim 8 is that once the taggant is detected data related to the taggant is printed on the item in the form of a code. The code may be related to the location of the tag on the article as discussed in the example given in the specification. Nowhere in Hickman et al. or the other references cited in the Office Action, or other references known in the art to the inventor, is printing a secondary code on the item related to “data” about the taggant. It is clear based on the extensive number of references in this area and the work being done in this area by people of ordinary skill in the art, that this solution to authenticating an article was not obvious.

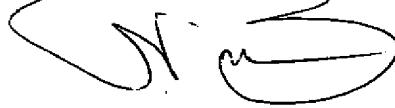
CONCLUSION

Dependent claims not specifically addressed add additional limitations to the independent claims, which have been distinguished from the prior art and are therefore also patentable.

In conclusion, none of the prior art cited by the Office Action discloses the limitations of the claims of the present invention, either individually or in combination. Therefore, it is believed that the claims are allowable.

If the Examiner is of the opinion that additional modifications to the claims are necessary to place the application in condition for allowance, she is invited to contact Applicant's attorney at the number listed below for a telephone interview and Examiner's amendment.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 29,134

Nelson A. Blish/tms
Rochester, NY 14650
Telephone: 585-588-2720
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.